

# Engaging Employers: Managing Relationships

Thursday, August 23, 2018

Wytheville Meeting Center

7:30 Registration (Foyer)

7:45 - 8:30 Breakfast (Foyer)

8:30- 9:00 Introduction of Guest Speaker - Ellen Marie Hess, Commissioner  
Guest Speaker - Dr. Megan Healy, Chief Workforce Advisor to the Governor

9:00 - 10:15 - General Session

Evansham Ballroom

## Recent Developments in Employment Law

This fast paced overview will survey the most important federal and state employment laws with an emphasis on recent developments. Those new to the field will gain valuable exposure to the laws that frame today's workplace, while more experienced managers and human resources professionals will gain cutting edge insight into recent trends and further movement within the field.

Victor O. Cardwell and Thomas M. Winn III, Woods Rogers PLC

10:15 - 10:30 Break (Foyer)



10:30 - 11:45 Workshops - Session One

### Evansham Ballroom A

#### Family Medical Leave Act and American Disability Act

This session will feature a step-by-step guide to ensuring compliance while focusing on some of the more nettlesome concerns, such as managing intermittent leave, how to handle leave exhaustion issues, and FMLA interaction with ADA, USERRA, and Workers' Compensation.

Thomas M. Winn III  
Woods Rogers, PLC

### Evansham Ballroom B

#### Harassment in the Workplace

Workplace harassment is often one of the most emotional and troubling workplace concerns. Employers must anticipate such matters to avoid them by using compliant policies and effective training.

This presentation will explore the law of workplace harassment and provide practical guidance for staying out of this kind of trouble.

John M. Bredehoft  
Kaufman & Canoles

### Meeting Room 2

#### Wage and Hour and FLSA

Keeping up with rules for wage and hour laws is a challenge. How can you stay up-to-date with all of the changes—from protecting your organization against a lawsuit, to knowing where the DOJ's appeal of the halted change to overtime regulation stands—and what does an HR professional need to understand to keep the government and your employees on the right track? This session discusses policies and actions that may lead to an employer's liability under the Fair Labor Standards Act.

Victor O. Cardwell  
Woods Rogers, PLC

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**12:00 - 12:30** Lunch (Evansham Ballroom)

**12:30 - 1:45**

**World Cafe Employer Engagement - Hidden Talents: Identifying the Soft Skills Workers Need**

In this session, we will explore the skills prospective employees need to be fully successful contributors to your businesses' goals and objectives. We will also ask you to help us design services and tools that increase the potential for job seekers to enhance their soft skills and be productive workers Day One at your company.

**Moderators - Jeff Brown and Tim Kestner**

**1:45 - 2:30**

**Special Services Offered by the VEC - Rapid Response ❖ Trade ❖ Veterans Services**

**2:30 - 2:45**

**Break (Foyer)**

**2:45 - 4:00 Workshops - Session Two**

**Evansham Ballroom A**

**Successfully Managing Your Unemployment Insurance Claims**

This session will provide employers with an overview of the process followed to adjudicate claims for unemployment insurance. These initial decision and appeal processes are utilized to render decisions when claims are contested.

**William O. Walton**  
Unemployment Insurance Services  
Virginia Employment Commission

**Evansham Ballroom B**

**Termination—Investigations and Discharge**

Discipline and discharge decisions are workplace events that often end up in claims of unlawful or unfair treatment. During this session, we will discuss aspects of progressive and other discipline, the investigation of events leading to discipline or termination, the termination process, and recommended techniques for preparing and maintaining effective documentation of discipline and termination decisions

**John M. Bredehoft**  
Kaufman & Canoles

**Meeting Room 2**

**Social Media in the Workplace**

Don't let your policies lag behind technology. Stay up to date with the latest changes to e-communications, social media, and electronic privacy issues, as well as document retention regulations, record keeping, and more.

**Leah M. Stiegler**  
Woods Rogers, PLC

**4:00 - 5:00 Workshops - Session Three**

**Evansham Ballroom A**

**Successfully Managing Your Unemployment Insurance Claims (Repeat)**

This session will provide employers with an overview of the process followed to adjudicate claims for unemployment insurance. These initial decision and appeal processes are utilized to render decisions when claims are contested.

**William O. Walton**  
Unemployment Insurance Services  
Virginia Employment Commission

**Evansham Ballroom B**

**Worker Misclassification: Employee or Independent Contractor**

This workshop will help employers understand and avoid potentially costly errors with the status of workers in their workforce.

**Geoff Garner**  
Special Investigator  
Virginia Employment Commission

**Meeting Room 2**

**Employer Handbook, Policies, and Manuals**

A well-written employee handbook is the cornerstone of the employer-employee relationship. This session covers important handbook topics from A to Z (or almost Z)—from Anti-Discrimination Policies, Background Checks, and Compensation, to Union Issues, and more.

**Leah M. Stiegler**  
Woods Rogers, PLC



## Speaker Biographies

(Listed in Alphabetical Order)

### **John M. Bredehoft, Esquire, Kaufman & Canoles, PLC**

Mr. Bredehoft is a member in the Labor and Employment Law Practice Group of Kaufman & Canoles. His practice emphasizes litigation and litigation-avoidance strategies, and regularly includes discrimination and harassment matters, executive contracts, trade secret and computer crime cases, and advice and litigation on covenants restricting post-employment competition. He is admitted to practice in Maryland and the District of Columbia, as well as in Virginia.

### **Jeffrey D. Brown, Director, Virginia Employment Commission Workforce Services Division**

Mr. Brown brings broad experience in both the private and public sectors, particularly in the field of education and the workforce. He began his career as a naval aviator. He served in the administrations of George H. W. Bush and Bill Clinton, and worked as a congressional liaison officer for the Office of the Secretary of Defense. While in Washington, Mr. Brown gained expertise in personnel policy issues on Capitol Hill, and he left the Navy to develop education and workforce policy, including welfare reform. Mr. Brown was tapped by the Governor of Virginia to direct welfare reform efforts in the Commonwealth of Virginia, and was later appointed Commissioner of the Virginia Department of Labor and Industry (DOLI). He served as a member of the State Council of Higher Education for Virginia (SCHEV) and a member of the Board of Visitors for the College of William & Mary in Williamsburg. After serving with DOLI, he left the public sector to pursue his life-long aspiration of teaching English literature. He served briefly as head of the upper school at St. Anne's-Belfield School in Charlottesville before returning to Washington to serve as director for the 200-year-old U.S. House of Representatives' Page Program. Mr. Brown also served on the faculty of the prestigious Federal Executive Institute in Charlottesville.

### **Victor O. Cardwell, Principal, Woods Rogers PLC**

Victor Cardwell is Chair of Woods Rogers' Labor and Employment Law Section. He practices labor and employment law throughout the U.S., focusing on diversity, the Fair Labor Standards Act, and labor/management relations—including union-organizing campaigns and union-avoidance techniques, and workplace violence.

Mr. Cardwell has significant experience before state and federal courts and administrative agencies, including the National Labor Relations Board. He offers counsel to executive and human resources managers on a wide range of employer concerns—from harassment, sexual orientation/transgender, retaliation, and discrimination, to workforce reductions, handbooks and agreements, unfair competition, wage/hour compliance, health and disability, discipline/discharge, and employee leave.

### **Geoff Garner, Special Investigator, Virginia Employment Commission**

Mr. Garner is a Special Investigator with the Targeted Audit and Investigative Enforcement Unit at the Virginia Employment Commission. He was educated at St. John's College and St. Joseph's University and has a JD from Rutgers and a MA from the Naval War College. He was a Navy JAG for 20 years, and his assignments included the carrier USS THEODORE ROOSEVELT during Operation Enduring Freedom, TF-134 in Iraq, and teaching at the U.S. Naval Academy. After retiring from the Navy in 2011, Mr. Garner went to work for the Maryland Department of Labor, Licensing and Regulation as Program Administrator of its Worker Classification Protection Unit.

### **Dr. Megan Healy, Office of the Governor**

As the Chief Workforce Development Advisor, Dr. Healy oversees a range of regional, state, and federal programs that connect Virginians to the skills, training, and opportunities they need to thrive in the 21st century economy. She works closely with Virginia's labor and business communities to identify and fill vacant jobs in high demand sectors including IT, healthcare, and energy.

### **Ellen Marie Hess, Commissioner, Virginia Employment Commission**

Ms. Hess was appointed Commissioner of the VEC on January 12, 2015. She was previously appointed Deputy Commissioner at the Virginia Department of Motor Vehicles (DMV) by Governor McAuliffe. There she oversaw the agency's legislative, legal, and policy functions, as well as the Highway Safety Office. She was with DMV since January 2008 and has more than 20 years' experience in policy and regulatory functions in state government.

Prior to her service at DMV, she was the Director of Labor and Employment Law at the Virginia Department of Labor and Industry and a Staff Attorney with the Virginia Department of Taxation. She also gained private sector experience as In-house Counsel at Heilig-Meyers Furniture Company. Ms. Hess received a bachelor's degree with honors from Virginia Commonwealth University and a juris doctor from the University of Richmond.

### **Timothy O. Kestner, Director, Economic Information & Analytics, Virginia Employment Commission**

As Director of the Economic Information & Analytics Division, Mr. Kestner manages the daily operations of Virginia's official source of labor market information. He is also responsible for developing and distributing new and innovative LMI products.

Prior to his current position, Mr. Kestner was a senior research economist in the division for 4 years. He was responsible for tracking and reporting on Virginia's economy as it related to the workforce, along with developing economic impact assessments of existing and declining industries. He continues to serve as a senior staff member to the Virginia Board of Workforce Development. As editor of

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the Economic Indicators, a VEC/EIA publication, he writes a quarterly abstract on the state and national economies that appears in the publication.

Mr. Kestner has authored numerous articles and routinely participates in the public discussion regarding industrial changes in Virginia. He has tracked and reported on the Defense Base Closure and Realignment Commission (BRAC) for more than a decade. He has developed close relationships with the Commonwealth's universities, and serves as a consultant to local planning boards and county administrators.

**Leah M. Stiegler, Principal, Woods Rogers PLC**

Leah Stiegler is a member of the firm's Labor and Employment, Litigation, and Immigration practice groups. Ms. Stiegler's employment practice focuses on helping employers comply with various employment laws, defending related employment actions with the Equal Employment Opportunity Commission and in state or federal court, conducting workplace trainings and board trainings, guiding employers through workplace investigations, and working with employers regarding collective bargaining and grievances/arbitrations.

A Virginia native, Ms. Stiegler began her career at Woods Rogers as a summer associate in 2014 and joined the firm after completing a judicial clerkship with the Honorable Lawrence R. Leonard, U.S. Magistrate Judge for the Eastern District of Virginia, where she gained extensive experience in handling pretrial motions, discovery disputes, and settlement conferences.

**William O. Walton, Unemployment Insurance (UI) Director, Virginia Employment Commission**

Mr. Walton is the UI Director for the Virginia Employment Commission. He has been employed by the VEC since 1992. As the UI Director, He is responsible for the administration of the UI benefit and tax programs in accordance with the Unemployment Compensation Act. Prior to being named UI Director, he was the Acting Chief of Benefits for the VEC. The Chief of Benefits implements policy and procedures to ensure the proper processing of unemployment insurance claims to include extended benefits.

Mr. Walton has also served as a Workforce Services Manager. Prior to becoming an office manager, he had experience working as a supervisor, hearing officer, and workforce services representative.

**Thomas M. Winn III, Principal, Woods Rogers PLC**

Tom Winn is a Principal in the Labor and Employment Group at Woods Rogers. Best Lawyers in America named Mr. Winn as the 2016 Roanoke Lawyer of the Year for Labor Law-Management. Mr. Winn advises management on HR issues ranging from discipline/discharge, workforce reductions, handbooks and agreements, harassment, discrimination and retaliation, wage/hour compliance, health and disability, employee leave and benefits, and unfair competition. Mr. Winn regularly represents employers regarding these issues before state and federal courts and administrative agencies, including the EEOC, DOL, and OFCCP. He has served as "first chair" counsel at both trial and appellate levels.

Mr. Winn also counsels and represents employers in union organizing and decertification campaigns, collective bargaining, grievances/arbitrations, NLRB litigation, strike management, and other issues under collective bargaining agreements. Mr. Winn has extensive experience representing government contractors with regard to collective bargaining and Service Contract Act issues. He has served as chief spokesman in union negotiations, and he has handled more than 100 labor arbitration cases.